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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,845	09/12/2003	Robert A. Luciano JR.	VOU-98-002-CON.1	8542

7590

06/04/2004

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EXAMINER

NGUYEN, KIM T

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/661,845

Applicant(s)

LUCIANO, ROBERT A.

Examiner

Kim Nguyen

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/12/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claims 1-3 and 7 are objected to because of the following informalities:
 - a) In claim 1, line 13; claim 2, line 3; and claim 3, line 2, the claimed limitation “a voucher” should be corrected to “the voucher”.
 - b) In claim 2, line 4; and claim 3, line 3, the claimed limitation “a transaction identifier” should be corrected to “the transaction identifier”.
 - c) In claim 2, line 5, the claimed limitation “an associated value” should be corrected to “the associated value”.
 - d) In claim 7, line 2, the claimed limitation “a player terminal” should be corrected to “the player terminal”.

Appropriate correction is required.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Art Unit: 3713

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-15 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,652,380 (hereinafter '380). Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-15 disclose the same subject matter in claims 1-10 of patent '380 in broader scope by eliminating the transaction identification comprising at least a time derived value.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burns et al (US Patent No. 6,048,269).

a. As per claim 1, Burns discloses a gaming system which comprises: a communication network 10 (Fig. 1) adapted to facilitate communication between devices (col. 5, lines 11-13; and col. 7, lines 5-8); an exchange terminal 300 (Fig. 1) including a voucher printer 306 (Fig. 1) (col. 7, lines 5-8 and 14-30; and col. 6, lines 8-11), the cashless voucher includes indicia 222, and 224 (Fig. 2) which indicates a transaction identification, the identification is printed

(i.e. generated) by the exchange terminal, wherein a value of the cashless voucher is confirmed using the transaction identification (col. 7, lines 20-22 and 33-36; and col. 6, lines 23-28); a plurality of player terminals 200, 200a, ... 200n (Fig. 1) (col. 5, lines 7-13), each terminal includes a voucher reader 206 (Fig. 1) (col. 5, lines 47-58), a game interface (col. 5, lines 13-23), wherein each player terminal determines the transaction identification of the voucher and confirm the value of the voucher (col. 6, lines 23-36). Burns does not explicitly disclose a database that stores an association between each transaction identification and value. However, Burns discloses storing the transaction identification in association with a value (col. 6, lines 33-36). Further, using a database to maintain the transaction identification in association with a value would have been old and well known in the art. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to replace the memory of Burns with a well known database in order to facilitate data retrieval.

b) As per claim 2-3, Burns discloses a money redemption terminal and exchange terminal 300 (Fig. 1) communicating with the communication network. The terminal includes a voucher reader 304 (Fig. 1), the terminal adapted to determine the transaction identification, to retrieve the value of the voucher, and to issue money (col. 7, lines 20-22 and 30-39; and col. 6, lines 23-28). Burns does not explicitly disclose implementing a money redemption terminal separately from the exchange terminal. However, since Burns discloses the exchange terminal that performs the same function as the claimed money redemption terminal, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the exchange terminal 300 (Fig. 1) of Burns in separate exchange terminal and money

redemption terminal in order to facilitate positioning the devices in different locations, since separating a device to separate devices that together perform the same function as the single device requires only routine skill in the art.

c. As per claim 4, Burns discloses encoding the transaction identification (col. 7, lines 61-64). Further, encrypting a transaction identification would have been well known to a person of ordinary skill in the art at the time the invention was made. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to encrypt the transaction identification of Burns in order to enforce security when transmitting sensitive data over network.

d. As per claim 5, Burns does not disclose not to adapt the player terminal to accept cash. However, Burns discloses providing a capability to accept voucher from the player terminal (col. 2, lines 52-56). Further, implementing a player terminal that does not accept cash would have been well known to a person of ordinary skill in the art at the time the invention was made. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to eliminate the currency slot of the player terminal of Burns, since eliminating a feature of a machine when its functionality is not needed requires only routine skill in the art.

e. As per claim 6-9, refer to discussion in claims 1 and 4-5 above.

f. As per claim 10-15, refer to discussion in claims 1 and 4-5 above. Further, Burns discloses accepting remuneration from a player (col. 3, lines 59-61 and 65-67; col. 7, lines 25-30); and crediting the value of the voucher on the player terminal for playing of a game (col. 2, lines 53-56).

Art Unit: 3713

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

The central official fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

A handwritten signature in black ink, appearing to read 'Kim Nguyen', with a horizontal line drawn underneath the signature.

Kim Nguyen
Primary Examiner
Art Unit 3713

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Date: May 27, 2004